IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 24452 of 2004

Between:

S. Ramakrishna, S/o. Thimmappa,
Anumpalli (V), Settur (M), Anantapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Dharmavaram, Anantapur District.
2 The Mandal Revenue Officer, Settur Mandal, Anantapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of writ of Certiorari, calling for the records with regard to and in connection with the proceedings in RC.No. 1811/2004/F, dt. 26.8.2004, and quash the same.

Counsel for the Petitioner:KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner was appointed as a fair price shop dealer of Anumpalli village, Settur Mandal, Ananthapur District. His authorisation was suspended by the first respondent through proceedings dated 26-08-2004 on the allegation that the petitioner collected Rs.0.25 ps per kg of rice and Rs.0.50 ps. per liter of kerosene, over and above the stipulated price and that he supplied 1 kg rice to the white card holders less than their entitlement. The petitioner submitted his explanation and he alleges that no orders have been passed by the first respondent.

Placing reliance upon a Judgment of this Court in ***JOINT COLLECTOR, KURNOOL v A.NEELIMA,*** he contends that the order of suspension is liable to be set aside.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On the allegation that the petitioner has collected certain amount more than the stipulated price on the essential commodities and supplied 1 kg rice less than the actual entitlement to the customers, the first respondent suspended his authorisation through proceedings dated 26-08-2004.

Learned counsel for the petitioner has placed before this Court a copy of the proceedings dated 29-09-2004 of the second respondent, the Mandal Revenue Officer. A perusal of the same discloses that after the petitioner submitted his explanation, the first respondent required the second respondent to offer his remarks after conducting enquiry and that the second respondent reported that the allegations against the petitioner are motivated. He ultimately opined that the

proceedings against the petitioner may be dropped either by giving a warning or levying a fine. Nearly three months have elapsed from the date of these proceedings. The inaction on the part of the first respondent is virtually inexplicable.

Suspension of a dealership tends to become a major penalty, if it is continued beyond a particular time. In the case referred to above, this Court took the view that the suspension of authorisation cannot be continued beyond 90 days, except where extraordinary circumstances exist.

In the instant case, the petitioner submitted his explanation soon after he received the show cause notice as well as the order of suspension. The first respondent called for a report from the second respondent and the report has been submitted nearly three months ago. There does not exist any justification for continuing the suspension for such a long time. If the first respondent is of the view that it takes some more time for passing final orders against the petitioner, he could have revoked the suspension.

For the foregoing reasons, the writ petition is allowed and the order of suspension passed against the petitioner is set aside. It is, however, left open to the first respondent to pass final orders against the petitioner duly taking into account the explanation submitted by the petitioner as well as the report called for from the second respondent. No order as to costs.

29-12-2004

Note: Issue C.C. by three days.

(B/0)

kdl

To

1 The Revenue Divisional Officer, Dharmavaram, Anantapur District.
2 The Mandal Revenue Officer, Settur Mandal, Anantapur District.

3 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.